

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ERIK S. BOWKER,)	CASE NO. 4:04 CV 2522
)	
PLAINTIFF)	JUDGE PETER C. ECONOMUS
)	
V.)	
)	
UNITED STATES OF AMERICA,)	ORDER
)	
DEFENDANT.)	
)	

This matter is before the Court upon Magistrate Judge James S. Gallas's report and recommendation, filed on September 13, 2006. (Dkt. # 36).

On November 29, 2004 Plaintiff, Erik S. Bowker, ("Plaintiff") filed his *pro se* complaint in the United States District Court for the Southern District of West Virginia, alleging, *inter alia*, tort claims pursuant to the Federal Tort Claims Act ("F.T.C.A.") against Defendant, the United States of America ("Defendant"). In December, 2004, this matter was transferred to the United States District Court for the Northern District of Ohio. Defendant filed a Motion to Dismiss or, in the alternative, Motion for Summary Judgment on January 17, 2006. (Dkt. # 24).

In his report, Magistrate Judge Gallas recommended that this Court grant Defendant's motions to dismiss and for summary judgment. (Dkt. # 36). The Magistrate Judge further recommended that Plaintiff's *in forma pauperis* status be revoked pursuant to 28 U.S.C. § 1915(g) and that Plaintiff's complaint should be dismissed without prejudice to be refiled upon payment of the applicable filing fee pursuant to 28 U.S.C. § 1914. (Dkt.

36).

On September 29, 2006, Plaintiff filed a motion for an extension of time to file objections to Magistrate Judge Gallas' report. (Dkt. # 38). The Court granted Plaintiff's motion in part, ordering that any objections to the Magistrate's report must be filed by October 17, 2006.

FED. R. CIV.P. 72(b) provides that objections to a report and recommendation must be filed within ten (10) days after service, but Plaintiff has failed to timely file any such objections. Therefore, the Court must assume that Plaintiff is satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be a duplicative and an inefficient use of the Court's limited resources. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), aff'd, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir.1981).

Therefore, the report and recommendation of Magistrate Judge Gallas (Dkt. # 36) is hereby **ADOPTED**. Defendant's motion to dismiss or, in the alternative, motion for summary judgment (Dkt. # 24) is **GRANTED**. Further, Plaintiff's *in forma pauperis* status is revoked pursuant to 28 U.S.C. § 1915(g); and his complaint is **DISMISSED WITHOUT PREJUDICE** subject to refile upon payment of the applicable filing fee pursuant to 28 U.S.C. § 1914.

IT IS SO ORDERED.

/s/ Peter C. Economus - October 18, 2006
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE